

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

DELUX PUBLIC CHARTER, LLC
d/b/a JSX AIR and JETSUITE X, INC.;

XO GLOBAL, LLC; and

BLADE URBAN AIR MOBILITY, INC.,

Plaintiffs,

-against -

COUNTY OF WESTCHESTER,

Defendant.

**STIPULATION AND
[PROPOSED] ORDER**

Civil Action No.
22-cv-01930 (PMH)

WHEREAS, on January 21, 2022, defendant County of Westchester (the “County”)—acting through its agent, Avports, LLC (“Avports”)—issued “Westchester County Airport Public Charter Operational Policy #1” (“Policy No. 1”), a copy of Policy No. 1 is annexed hereto as Exhibit A; and

WHEREAS, on March 7, 2022, plaintiffs Delux Public Charter, LLC d/b/a JSX Air and JetSuiteX, Inc.; XO Global, LLC; and Blade Urban Air Mobility, Inc. (collectively, “Plaintiffs”) commenced the instant action (CM/ECF Dkt. No. 1 [hereinafter, “Complt.”]); and

WHEREAS, Plaintiffs allege that Policy No. 1 is preempted by both the Airport Noise and Capacity Act of 1990 (“ANCA”) and the Airline Deregulation Act of 1978 (“ADA”) (*id.* ¶ 106 (ADA), ¶¶ 122, 125 (ANCA)); and

WHEREAS, as a result of the foregoing, Plaintiffs are seeking an injunction prohibiting the County from enforcing Policy No. 1 (*id.* ¶¶ 115, 134); and

WHEREAS, during a pre-motion conference held on June 29, 2023, the County confirmed in open court and on the record that it is not seeking to enforce Policy No. 1; and

WHEREAS, the Court—upon hearing that representation—directed the parties to meet

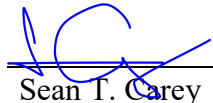
and confer concerning the elimination of Policy No. 1 from this case; and

WHEREAS, the parties agree in principle to the instant stipulation and proposed order; it is therefore

STIPULATED AND AGREED, that the County directly or indirectly, and/or through its agents including, but not limited to, Avports will not enforce Policy No. 1 without a further order from the Court; and it is further


STIPULATED AND AGREED, that all sought relief concerning Policy No. 1 is hereby deemed withdrawn from this case and dismissed.

DATED: White Plains, New York
July 19, 2023



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DATED: Rye, New York
July 19, 2023



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SO ORDERED: _____